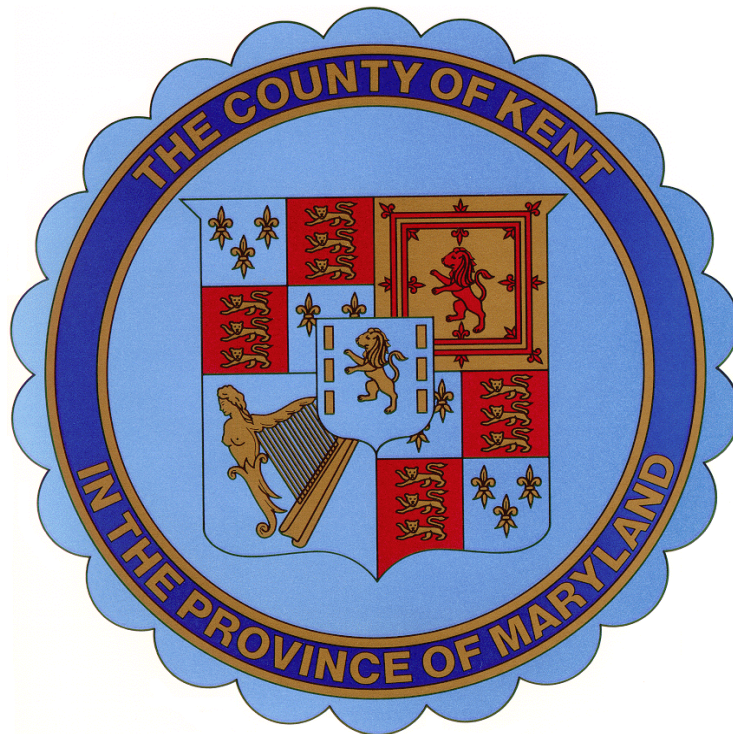


**Annual Report
2018**

Department of Planning, Housing, and Zoning

Kent County, Maryland



Completed June 2019

This Annual Report is an opportunity to highlight the Department's achievements, identify development trends, and assess the planning and development process during calendar year 2018. This report will describe specific actions taken by the Kent County Planning Commission, Zoning Board of Appeals, Agricultural Advisory Commission, Agricultural Land Preservation Advisory Board, Historic Preservation Commission, Board of Electrical Examiners, Agricultural Resolution Board, Board of Housing Appeals, Board of Building Appeals, and Department of Planning, Housing and Zoning.

DEPARTMENT STAFF

Amy G. Moredock, Director	Bryan Foreman, Enforcement Officer
Stephanie Jones, Critical Area Planner	Katrina Tucker, Community Planner
Carla Gerber, GIS Specialist	(January – April)
M. Richard Myers, Chief Enforcement Officer	Sandy Adams, Office Manager
(January – April)	Tonya Thomas, Project Technician
Mike Bitting, Chief Enforcement Officer	Beth Grieb, Permit Technician
(July – December)	

PLANNING COMMISSION

The Kent County Planning Commission, appointed by the County Commissioners of Kent County, acts as a citizen board for all planning matters. As set forth in the Land Use Article of the Annotated Code of Maryland, the Planning Commission makes recommendations to the County Commissioners on zoning map and text amendments and to the Board of Zoning Appeals on certain designated variances and special exceptions. The Commission may also prepare ordinances and plans for review by the County Commissioners. In its decision-making capacity, the Commission approves all major subdivisions and site plans.

MEMBERS

Elizabeth H. Morris, Chairman	Kim Kohl
Ed Birkmire (January – November)	James E. Saunders
P. Thomas Mason, ex officio (December)	William S. Sutton
William Crowding, II	G. Mitchell Mowell, Esq., Attorney
F. Joseph Hickman	

The Planning Commission meets the first Thursday of every month at 1:30 P.M., in the County Commissioners' Hearing Room in the County Government Center, 400 High Street, Chestertown. The agendas for all meetings are available from the Department of Planning, Housing, and Zoning and on the County website prior to the meetings. The Planning Commission is a member of the Maryland Citizens Planners Association, and members attend training sessions and meetings. In 2018 the Planning Commission met monthly, except for January.

ZONING BOARD OF APPEALS

Appointed by the County Commissioners, the Zoning Board of Appeals hears and decides special exceptions, variances, and appeals of any decision or determination of the Zoning Administrator in the enforcement and administration of the Land Use Ordinance. The Zoning Board of Appeals meets on Monday evenings as may be required. In 2018, the Board of Appeals met seven times.

MEMBERS

Dr. Albert Townshend, Chairman
P. Joan Horsey, member
John R. Massey, member

David Hill, alternate
Christopher Drummond, Attorney for
the Board

HOUSING

The Housing Improvement Program has not accepted new applications since 2015; however, Planning Department staff continues to close cases from historic implementation of the program. The Program provided housing rehabilitation assistance to owners of substandard houses who met certain income criteria. Repairs addressed health and safety related matters and was generally funded through grants from the Department of Housing and Community Development, Maryland Affordable Housing Trust and a County match. Due to dwindling participation and staff changes within the Department, the County continues to evaluate the most appropriate path for the future of this Program.

HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission is responsible for administering the Historic Preservation Ordinance which allows for the voluntary designation of Historic Sites and Districts in the unincorporated areas of the County. The Commission also reviews projects which may affect historic resources and makes recommendations to the Planning Commission on possible mitigation. The seven-member Commission is supported by staff from the Department of Planning, Housing, and Zoning. The Commission meets on the last Monday of the month, as needed, and agendas are available prior to the meeting. The Commission did not meet in 2018.

MEMBERS

Elizabeth Beckley, Chairman
Carolyn Brooks
Jennifer Moore
Don Othoson

Max Ruehrmund
Barton Ross
Jeremy Rothwell

AGRICULTURAL ADVISORY COMMISSION

The Kent County Agricultural Advisory Commission provides advice to the County Commissioners of Kent County and the Kent County Planning Commission concerning any proposals that affect agriculture. Additionally, the Commission recommends changes to the Comprehensive Plan, Land Use Ordinance, and other programs which will improve and promote agriculture in Kent County. The seven-member Agricultural Advisory Commission is supported

by staff from the Department of Planning, Housing and Zoning. The Commission meets on an “as needed” basis or by the call of the Chair, and an agenda is available from the Planning Department prior to the meeting. This Commission met once in 2018.

MEMBERS

W. Frank Barnes, Jr. (term expired in 2013)	Craig McSparran (term expired 2013)
John Cahall (term expired in 2015)	John Henry Myers, Jr. (term expired 2014)
Herman E. Hill, Jr (term expired in 2013)	Jennifer Debnam (appointed April 2016)
Sean Jones (term expired 2014)	

Though terms of appointments have expired, members continue to serve until a replacement is appointed by the County Commissioners. While it has been a priority for staff and the Commissioners, finding replacement members has been a challenge.

AGRICULTURAL LAND PRESERVATION ADVISORY BOARD

The Agricultural Land Preservation Advisory Board reviews and approves all applications related to the Maryland Agricultural Land Preservation Foundation Program (MALPF). These include applications to establish agricultural preservation districts, to sell permanent protective easements to the Maryland Agricultural Land Preservation Foundation, to create lot exclusions, and to subdivide properties in the preservation program. The five-member Board also establishes policies for ranking districts in the easement acquisition program. Staff for the Board is provided by the Department of Planning, Housing, and Zoning. The Board meets as necessary and an agenda is available from the Planning Department prior to the meeting. The Board met four times in 2018.

MEMBERS

David Hill, Chair	Ernest “Tot” Strong
Davidson Coleman	George Wiedenmayer
Bryan McDonald	

The Agricultural Land Preservation Advisory Board reviewed and forwarded recommendations to the Planning Commission for seven applications to create local County Agricultural Preservation Districts. The Board also reviewed 22 applications for easement sale and recommended 12 for submission to MALPF.

AGRICULTURAL RESOLUTION BOARD

The Agricultural Resolution Board consists of five voting members appointed by the County Commissioners. A representative of the University of Maryland Cooperative Extension Service and a member of the Kent County Soil and Water Conservation District serve as non-voting members. The Board arbitrates and mediates disputes involving agricultural operations conducted on agricultural lands and issues findings concerning whether or not such operations are conducted in a manner consistent with generally accepted agricultural practices. The Board did not meet in 2018.

MEMBERS

R. Allen Davis, Chairman	Emily Joyce, Cooperative Extension
William Bowdle (term expired in 2014)	Timothy Redman, Soil & Water Conservation
Edward Taylor (term expired in 2014)	District
William Washington	

Though terms of appointments have expired, members continue to serve until a replacement is appointed by the County Commissioners. While it has been a priority for staff and the Commissioners, finding replacement members has been a challenge.

BOARD OF BUILDING APPEALS

The Board of Building Appeals hears and decides appeals of decisions of the Building Code Administrator in administering the Building Code. The Board consists of three members appointed by the County Commissioners and meets upon request. The Board did not meet during 2018.

MEMBERS

Three vacancies remained open in 2018.

BOARD OF ELECTRICAL EXAMINERS

Appointed by the County Commissioners of Kent County, the Board of Electrical Examiners examines the qualifications and capabilities of all persons who are engaged in or desire to engage in the electrical business. The Board reviews applications for licenses and administers the homeowner's examination for those individuals desiring to perform electrical work in the individuals' own home. The Electrical Board met 12 times in 2018.

MEMBERS

Charles A. Langenfelder, Chairman	D. Michael Usilton
William S. Baldwin, Jr.	

BOARD OF HOUSING APPEALS

A three-member Board appointed by the County Commissioners, the Board of Housing Appeals hears and decides appeals of the Housing Code Official made in connection with the enforcement of the provisions of the Kent County Housing Code. The Board meets upon receipt of an appeal and did not meet in 2018.

MEMBERS

Nancy Dick	Charles W. Sommers
Janice Graham	

The positions for the two alternate members remained vacant in 2018.

SPECIAL PROJECTS

Special Projects which involved Department of Planning, Housing, and Zoning staff in 2018 included:

- ✿ *Rigbie Bank Buffer Management/Critical Area Forest Clearing Plan:* A Memorandum of Understanding was signed between the Kent County Department of Planning, Housing, and Zoning, Kent County Department of Public Works, and the Rigbie Bluff Condominium Association for a Buffer Management/ Critical Area Forest Clearing Plan to be drafted and implemented adjacent to the bathhouse at the Betterton Beach County Park for the removal of invasive species. The County continues to work with the Town of Betterton to coordinate with the need to replace the existing steps near the bank.
- ✿ *Census 2020:* Staff began preparing for Census 2020 through participation in the Local Update of Census Addresses (LUCA) Program. LUCA provides local governments the opportunity to review and update US Census Bureau address listings in an effort to obtain a complete count. Staff attended training sessions and completed the update within the 120-day period provided by the Census Bureau.
- ✿ *Comprehensive Plan Update:* In April 2018, the County Commissioners adopted a new Comprehensive Plan. The update began in 2016 and the Planning Commission completed its review in late 2017.
- ✿ *Early Action Compact:* Staff reviews projects for conformance to the action strategies to reduce local emissions and improve air quality identified in the EAC. Kent and Queen Anne's Counties have been designated a nonattainment area by the Environmental Protection Agency. Both Counties continue to work with Maryland Department of the Environment and the Environmental Protection Agency to remove the two counties from the list of ozone nonattainment areas.
- ✿ *Eastern Shore Heritage, Inc.:* This is a cooperative project between Caroline, Kent, Queen Anne's, and Talbot Counties. The Heritage Area was certified in July 2008. Planning staff has supported ESHI's Stories of the Chesapeake and its adoption into the Comprehensive Plan. Staff has also acted as liaison between ESHI and the municipalities in the adoption of the Stories of the Chesapeake Heritage Area.
- ✿ *Kent County Total Maximum Daily Load Committee:* The County formed a Kent County TMDL Committee which has been meeting since November 2006 to draft the Local Tributary Strategy Basin Implementation Plan. The draft was completed in March 2008 and represents a snapshot in time. This innovative Kent County Plan has been used as a state model in the development of the Maryland Watershed Improvement Plan.

The Maryland Phase I Watershed Implementation Plan (WIP) process began in 2009 with that plan's two-year milestones established at that time. The Phase II WIP began on a local level in Spring 2011 and the Kent County Phase II WIP was finalized in November 2012. Specific pollution allocation load numbers were provided to the counties and municipalities by Maryland Department of the Environment (MDE) in order for local jurisdictions to prepare its portion of the Phase II WIP. The County was unable to generate adequate strategies and best management practices in order to meet the large load reductions

assigned to it; therefore, MDE suggested load reduction strategies in all source sectors. These additional strategies were not officially adopted by the County Commissioners.

Staff has been attending meetings and coordinating directly with MDE to develop a Phase III WIP for Kent County. A draft Plan will be completed in 2019 and will more-closely accommodate reasonable and achievable goals for local jurisdictions.

This Committee met once in 2018, and the Two Year Milestone Status Report (2014-2017) and 2018-2019 Programmatic Milestone documentation was drafted and submitted to MDE in 2018.

- ✧ *Kent County Land Preservation, Parks and Recreation Plan:* DNR and MDP submitted comments back to the County; however, the plan remained pending at the end of 2018.
- ✧ *Maryland Agricultural & Resource Based Industry Development Corporation (MARBIDCO) and the Next Generation Farmland Acquisition Program (NGFAP):* MARBIDCO received \$2.5 million in State funding in Fiscal Year 2017 to launch the program to help qualified young and beginner farmers enter the agricultural profession. The NGFAP is essentially a rapid response farmland conservation easement option purchase program that is designed to help facilitate the transfer of farmland to a new generation of farmers, while also effectively helping to preserve the farm from future development. The key tool is an “easement purchase option contract” which will ultimately result in a permanent easement sale in the future with the Maryland Agricultural Land Preservation Foundation (MALPF), the Rural Legacy Program, a local land trust, or other such easement. The program makes money available for a down-payment so that the next generation farmer is able to meet the equity requirement for a commercial loan. No applications were submitted from Kent County in 2018.
- ✧ *Public Service Commission/Certificate of Public Convenience and Necessity (CPCN) Cases:* The County has been involved in 4 CPCN cases involving utility scale solar energy system siting. Two of the cases have been proposed in either Industrial (I) or Employment Center (EC) Zoning Districts in the village of Massey. The other cases were located outside of zoning districts in which such uses are permitted. The most recent applicant, Morgnec Road Solar, LLC, filed for a CPCN on November 30, 2018 to construct and operate an 85 MW solar array including a total of 471-acres near Chestertown. This property is zoned Community Residential and Rural Residential, and the proposed use is not permitted within the Kent County Land Use Ordinance. This application remained pending at the end of 2018.
- ✧ *Rural Legacy Program:* The program is aimed at preserving rural character through the purchase of development rights. In 2018, the Eastern Shore Land Conservancy worked with the five counties of the Agricultural Security Corridor (ASC) to expand the Rural Legacy Areas in each county and to divide the ASC into three sections. The Cecil and Kent County Rural Legacy Area is now known as the ASC: Harvest Crescent. The Kent County areas include land near Tolchester, and expanded area along the Sassafras, and an area near the Millington Wildlife Management Area. The ASC has received funding during each cycle of the Rural Legacy Program.

MEETINGS AND ORGANIZATIONS

During 2018, in addition to meetings associated with special projects, the Department of Planning, Housing, and Zoning Staff attended, participated on, or acted as liaison to the following meetings or organizations:

- Maryland Agricultural Advisory Commission
- American Stormwater and Floodplain Managers
- Chestertown River Bridge Task Force
- Critical Area Commission – Chesapeake and Atlantic Coastal Bays
- Eastern Shore Climate Adaptation Partnership
- Eastern Shore Land Conservancy
 - Annual Conference
 - Eastern Shore Climate Adaptation Partnership
 - Quarterly Planners Meetings
- Eastern Shore Local Government Exchange
- Eastern Shore Heritage, Inc. (Stories of the Chesapeake Heritage Area)
- Kent County Council of Governments
- Kent County Economic Development Advisory Board
- Kent County Total Maximum Daily Load
 - Chesapeake Bay Foundation WIP meeting
 - EPA TMDL meeting
 - Harry R. Hughes Center for Agro-Ecology WIP Seminars
 - Local Phase III WIP meetings
- Local Emergency Planning Committee
- Maryland Agricultural Land Preservation Foundation
- Maryland Association of Counties:
 - Annual Winter Conference
 - Critical Area Planners Meetings and workshops
 - Governor’s Intergovernmental Commission on Agriculture (GICA)
 - Planning Officials Meetings
- Maryland Association of Floodplain and Stormwater Managers
 - Annual Conference
 - Monthly Meetings
- Maryland Department of Planning—Planning Directors Roundtable
- Maryland Historical Trust – State Preservation Plan
- Maryland Municipal League Joint County/Municipal Planners Meeting
- Maryland Planning Commissioners Association – Member of the Planning Commission
- Maryland State Geographic Information Committee
- Rural Legacy Advisory Board
- State Highway Administration Pre Tour Meeting
- State Highway Administration Scenic Byway Workshop
- St. Paul’s Church Restoration Project – Phase I and II

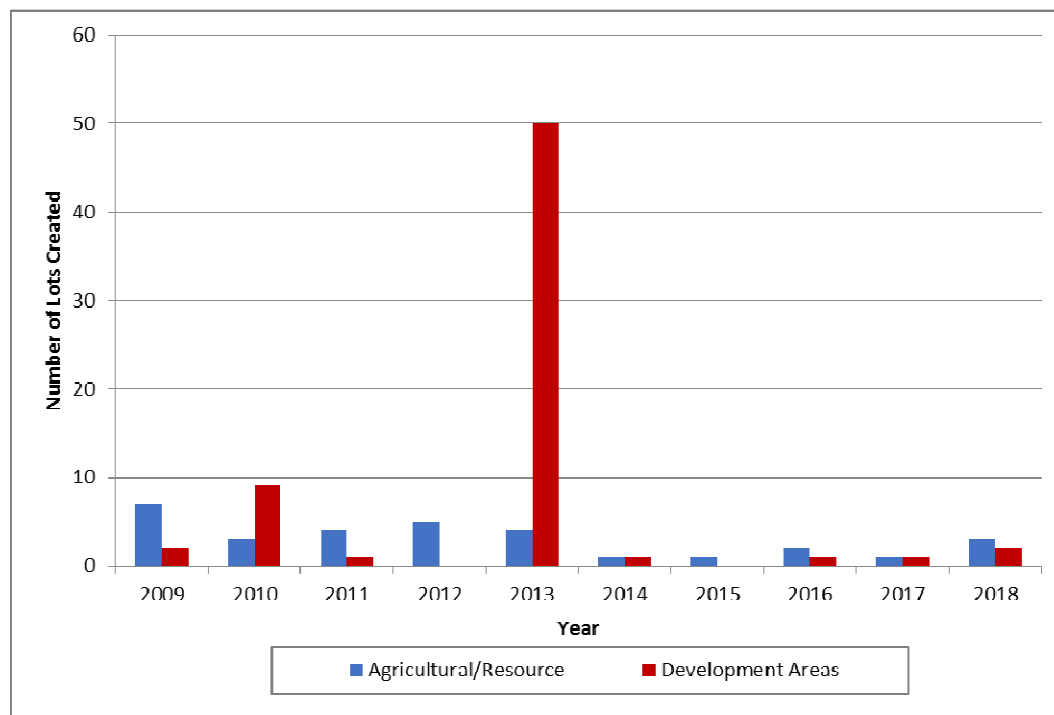
PLANNING & DEVELOPMENT

All major and minor subdivision applications are reviewed by the Technical Advisory Committee. The Technical Advisory Committee also reviews all adjustments of lot lines, as well as all site plans. All major subdivision applications and site plans are reviewed by the Planning Commission, who makes the final decision on these applications. As a part of their review, the Planning Commission routinely consults with incorporated towns that may be affected by a project. As part of their findings, the Planning Commission is required to determine that the project is consistent with the Kent County Comprehensive Plan and other applicable plans or ordinances, including the Comprehensive Plans of the incorporated towns.

In 2018 for the unincorporated area of the County, there were no major subdivision applications and nine applications for minor subdivisions. Five minor subdivisions were approved in 2018 while the others remained pending at the end of the year. Two of the approved subdivisions were for farms over 100 acres in AZD. Two of the approved subdivisions were for lots around existing dwellings, and one subdivision was to split a developed commercial property. Subdivision activity has been quite minimal over the last several years. In 2017 and 2016, three lots were created each year. In 2015, only one minor subdivision was approved creating a 3.0-acre lot from a farm. In 2014, two new residential lots were approved, when one was located in a development area and the other was an agricultural lot. In 2013 there were 54 new lots, of which 50 were in the development areas, and of those 47 were in Phase II of the Village at Kennedyville.

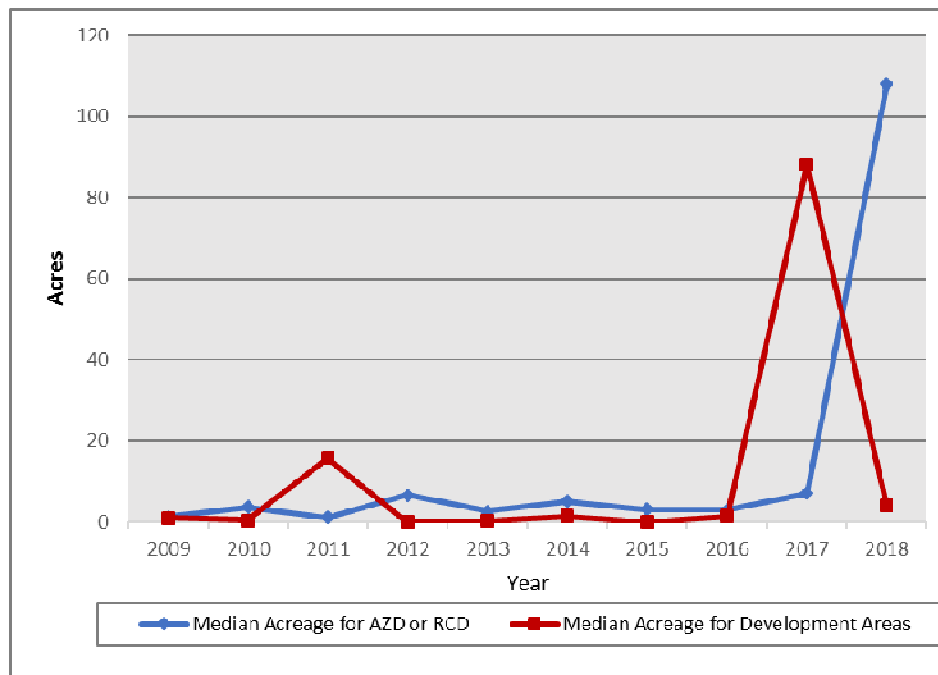
Figure 1 shows the development trends of lots approved by zoning type over the past decade. With the exception of 2013, which was the approval of Phase II of the Village of Kennedyville, very little development has occurred in the unincorporated areas of the county.

Figure 1: Lots Created by Zoning Type



Lot size is another variable to consider. Lots created in the Agricultural and Resource Conservation Districts tend to be larger because they are served by private wells and individual septic systems. The median lot size in the Agricultural and Resource Conservation Districts for residential lots has not significantly changed over the past 10 years. Figure 2 shows the development trends for median lot size by zoning type. The spike in median lot size for developed area in 2017 reflects one 88.098-acre lot created in the Employment Center. The spike for resource areas in 2018 reflects the splitting of 2 farms into parcels where all tracts remained over 100 acres. If the farm lots are excluded, then the median lot size in 2018 would be 5.438 acres and the median over the last 10 years would be 3.28 acres.

Figure 2: Median Lot Size by Zoning Type



Protecting farmland and natural resources from development and growth and encouraging growth in and around existing towns in the form of sustainable growth are fundamental goals of the Comprehensive Plan and Land Use Ordinance. Landowner interest in preserving farmland remains high. Since 1972, 40,072 acres of farmland have been permanently protected. In 2018, there were 741 acres placed under easement. One easement was donated to the Maryland Environmental Trust. The other easements were purchased through the MALPF Program. These were the remaining farms with offers from the FY2017-2018 MALPF Cycle.

Major Subdivisions

Major subdivisions contain 8 or more lots, sites, parcels, tracts, or other divisions of land. All lots or other divisions of land recorded after December 23, 1969, from an original lot or parcel of land as described in the Land Records of Kent County are counted in determining the number of lots in a subdivision. The Technical Advisory Committee reviews and the Planning Commission approves major subdivisions in three phases: Concept, Preliminary, and Final Plan Review.

James and Deborah Peters, Amendment to Major Subdivision: The applicants proposed to amend the Langford Farm subdivision plat by removing the building restriction lines for Lot 7. The applicants wish to construct a pool within the front yard of their waterfront parcel and the approved building area on the original subdivision plat would prohibit the desired location of the pool. The application was still pending at the end of 2018.

In 2018, there were no major subdivisions that created new lots.

Minor Subdivisions

There were nine (9) minor subdivision applications submitted to the Department of Planning, Housing, and Zoning during 2018. Five new lots were created in 2018, and 4 lots remained pending at the end of the year.

Amy W. Brice, et al: The applicants subdivided one lot from their 106.315-acre parcel. The newly created Lot 2 is 6.010 acres and the remainder is 100.305 acres. The existing dwelling will be located on Lot 2. The property is Zoned Community Residential (CR) and is located on Airy Hill Road.

John H. and Sandra D. Krastel: The applicants subdivided their farm into two tracts. Lot 1 retained 107.936 acres and the existing poultry houses, and Lot 2 is 190.221 acres. The property is zoned Agricultural Zoning District (AZD) and is located near Lynch.

Langford West LLC: The applicants subdivided their 304.5980 acres farm into three lots. Lot 1 contained 103.911 acres, Lot 2 contained 100.265 acres, and Lot 3 contained 100.422 acres. The property is zoned Agricultural Zoning District (AZD) and is located on Bakers Lane near the intersection with Ricauds Branch Road. The applicants are interested in preserving the farm; and after consulting with staff on the feasibility of selling an easement to MALPF, subsequently completed an adjustment of lots lines creating two 152.299-acre parcels.

PB Land Trust: The applicants subdivided the 3.78-acre property located on MD Route 20 near Edesville into two lots. Lot 2 consists of 1.161 acres and the remainder is 2.623 acres. The property is zoned Crossroads Commercial (CC) and was originally developed by Nevitt Ford for Ford's Seafood. The subdivision will allow for separately owned businesses.

Ross E. Swope: The applicant subdivided one lot from his 157.989-acre farm. Lot 2 is 5.438 acres and the remainder, Lot 1, consists of 152.551. The property is zoned in the Agricultural Zoning District (AZD) and Resource Conservation District (RCD) and is located on Wilkins Lane. The existing dwelling is located on the new lot.

David Bramble Inc.: The applicants are proposing to subdivide one lot from their 225.032-acre parcel. Lot 2 will consist of 7.295 acres, and the remainder, Lot 1, will consist of 217.737 acres. The property is zoned as Employment Center (EC) and is located on Galena Road near Massey. The proposed lot is for the proposed Pep-Up propane facility. This subdivision remained pending at the end of 2018.

Edward J. Kolsun: The applicant is requesting a minor subdivision of a 5.243-acre parcel. He is proposing to divide the property into two lots: one lot with 2.090 acres and the remainder

with 3.70 acres. The property is zoned Critical Area Residential (CAR) and is located on Goose Hollow Drive. The existing dwelling will remain on the larger lot. This application remained pending at the end of 2018.

Richard and Linda O'Connor: The applicants are proposing to subdivide their 2.59-acre parcel into two lots. Lot 1 is improved by a single-family dwelling and will consist of 1.586 acres. Lot 2 will consist of 1.004 acres. The property is zoned in the Village (V) and is located on Fairlee Road just north of Fairlee. This application remained pending at the end of 2018.

Nitin B. Shajwani et al.: The applicants are proposing to subdivide one lot from their 79.52-acre farm. Lot 6 will be 10.01 acres, and the remainder of Lot 5 will be reduced to 69.51 acres. The property is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD) and is located off Venaringham Lane. This application remained pending at the end of 2018.

Adjustment of Lot Lines

Adjustment of Lot Lines applications are reviewed by Planning and Zoning Staff and the Technical Advisory Committee. Planning Staff and TAC reviewed 20 plats for adjustments of lot lines in 2018.

Table 1: Lot Line Adjustment by Zoning District (Submitted in 2018)

Zoning District	Number
Agricultural Zoning District	8
Agricultural Zoning District / Resource Conservation District	2
Rural Character	1
Rural Residential	1
Critical Area Residential	4
Community Residential	2
Commercial / Industrial / Industrial Critical Area - LDA	1
Village	1
Total	20

Site Plan Reviews

Major site plan reviews are required for commercial development, industrial development, multifamily dwellings, special exceptions, quasi-public, and public facilities. The Technical Advisory Committee reviews and the Planning Commission approves these projects. Site plan review occurs in three stages: Concept, Preliminary, and Final Plans. Minor site plans are reviewed by the Technical Advisory Committee and may be approved by the Planning Director.

Staff reviewed 9 site plans in 2018, of which 7 were major site plans. Both minor site plans were approved, and 4 of the major site plans were approved.

Minor Site Plans

James and Joanne Rich (The Inn at Huntingfield): The applicants proposed to construct a 600-square foot open car port addition to the existing events building. The carport addition will be constructed over an area of existing use and lot coverage. The property is zoned Resource Conservation District (RCD).

Kitty Knight, LLC (Sueann Hall): The applicants proposed to demolish the existing outdoor bar and construct a new 378 square foot outdoor bar onto the existing deck. The old bar seated 10 people and it is anticipated that the new bar will have 20 seats. Total seating is anticipated to be 80 on the outdoor deck, bar, and porches. The property is zoned Marine (M).

Major Site Plans

Oddmund and Hedvig Angell: The applicants requested approval to amend the site plan approved in 2016 for a retail business. The applicants wish to reduce the building from 5,750 square feet to 4,955 square feet and add 3,075 square feet to the approved outdoor display area. The business will include a garden center and antique store. It is zoned Village and is located on MD Route 20 near Rock Hall. The site plan was approved in October.

Kent County Board of Education: The Kent County Board of Education requested site plan review for a proposed bus parking area on existing asphalt at the old Worton Elementary School site. New security fencing and landscaping was also installed. The property is zoned Village (V) and is located on Worton Road. The site plan was approved in August.

John H. Krastel, et ux./Jeffery S. Pettitt: The applicants were requesting a special exception and site plan for a poultry houses on parcel where the owner cannot handle the waste generated. Mr. Pettitt was purchasing a portion of the farm owned by Mr. Krastel, and as part of the minor subdivision review, it was determined that the new parcel would require a special exception for because it would no longer be able to handle the waste generated by the poultry houses. The property is zoned Agricultural Zoning District and is located near Lynch. The site plan was approved in August.

Morgan Creek Land Holdings, LLC: The applicants requested approval for a contractor's yard and for the manufacturing of concrete and ceramics. The applicants propose to use the existing impervious area to store equipment, as well as crushed concrete. The property is zoned Industrial, Industrial Critical Area-LDA, and Resource Conservation District. It is the site of the former Campbell's Soup/Chestertown Foods operation located on Morgnec Road. The site plan was approved in November.

Brickyard Land Holding, LLC (Gillespie Precast, LLC): The applicants proposed to construct a new 16,000 square-foot precast concrete production building on their 68.85-acre parcel. The property is split zoned Industrial (I), Industrial Critical Area-LDA (ICA-LDA), and Commercial (C). The property is located on Morgnec Road near Chestertown. The site plan received preliminary approval in September, but final approval was still pending at the end of the year.

David A. Bramble, Inc./Pep-Up, Inc: The applicant is proposing to construct a liquid propane (LP) storage and distribution facility on the property owned by David A. Bramble, Inc. The proposed facility will be located on the 7.295-acre parcel known as Lot 2., which is the subject of

Minor Subdivision Application #18-72. The property is zoned Employment Center (EC) and is located on Galena Road near Massey. This application was pending at the end of the year.

Enrique and Laura Pallares/Casa Carmen Winery: The applicants were requesting a special exception and site plan review for an adaptive reuse of a historic structure to operate Casa Carmen, an artisanal winery tasting room. The applicants were proposing to renovate the Almshouse for use as the tasting room which is located on their property on Broad Neck Road. The special exception was denied, and therefore, the site plan was never finalized.

Zoning Text Amendments

There were five petitions proposing text amendments to the Kent County Land Use Ordinance submitted in 2018. These Zoning Text Amendments included the following:

County Commissioners of Kent County, Special Exception Use in Crossroads Commercial: The applicant proposed to amend to the Ordinance District Regulations, Crossroads Commercial: Article V, Section 10.3 and Special Exceptions: Article VII, Sections 6 (20.5) and 7 (28.5) to permit the manufacturing, processing, and assembling of food products to include baked and confectioners' goods, frozen food processing, fruit and vegetable processing, canning and storage, or businesses of a similar nature as a special exception use in Crossroad Commercial (CC). A favorable recommendation was sent to the County Commissioners from the Planning Commission and language was adopted on April 3, 2018.

County Commissioners of Kent County, School Bus Parking: The applicant proposed to amend the Kent County Land Use Ordinance District Regulations, Village, Intense Village, and Commercial: Article V, Sections 7.3, 8.3, and 11.3 and Special Exceptions: Article VII, Sections 6 (38.5) and 7 (53.5) to include provisions to permit a school bus parking lot as a special exception use. Additionally, Article V, Sections 10 and 11 would be amended to include accessory use provisions in the Commercial and Crossroads Commercial Districts of the Kent County Land Use Ordinance for the purpose of adding language which will allow provisions to permit the parking of school buses as an accessory use. A favorable recommendation was sent to the County Commissioners from the Planning Commission and language was adopted on April 3, 2018.

Fair Promise Family Limited Partnership/Morgnec Road Solar, LLC: The applicant proposed to amend Article V, Section 4.3 and 6.3 and Article VII, Section 7 of the Kent County Land Use Ordinance. The applicants wish to allow "utility scale solar energy systems" as a Special Exception Use in the Rural Residential (RR) and Community Residential (CR) Districts. Legislation was still pending at the end of the year.

Cliff Road Properties, LLC: The applicant proposed to amend Article VII, Section 7.16.f of the Kent County Land Use Ordinance (County Inn Special Exception Use) to remove the provision that sets forth the limitation on extension or enlargement of structures in the Agricultural Zoning (AZD), Resource Conservation (RCD), Rural Character (RC), Rural Residential (RR), Critical Area Residential (CAR), Community Residential (CR) and Marine (M) Districts. The planning commission sent an unfavorable recommendation for the proposed amendment. The legislation was still pending at the end of the year.

County Commissioners of Kent County, Animal Shelter: The applicant proposed to amend Article V, Section 1, 10, and 15 of the Kent County Land Use Ordinance to add “animal shelters as defined by the County Code of Public laws” to the uses already listed in Agricultural Zoning District (AZD), Crossroads Commercial (CC) and Industrial District (I). for veterinary hospitals or clinics. Legislation was still pending at the end of the year.

Other

The Planning Commission and the Agricultural Preservation Advisory Board worked to amend Chapter 171 of the Code of Public Local Laws to include specified conditions under which the exclusion of land from MALPF easement applications is permitted. The amendment is consistent with MALPF’s policy on withheld acreage.

BUILDING PERMITS

Building permits are reviewed by Planning, Housing, and Zoning Staff for consistency and compliance with the Comprehensive Plan, Land Use Ordinance, Forest Conservation Act, Sediment Control, Floodplain, and Stormwater Management regulations. In 2018 there were 473 permits submitted for the unincorporated areas of the County. Staff issued 446 building permits, including 26 new single-family dwelling permits. Compared to 2017, the total number of permits issued increased, but the number of new single-family dwellings decreased. There were 437 permits issued in 2017, of which 30 were for new single-family dwellings.

Of the 26 building permits issued for new single-family dwellings in 2018 in the County, 9 permits were located within a Priority Funding Area (PFA), and 7 permits were within the Priority Preservation Area (PPA). Almost half of the permits were for new houses in the First or Second Election District. There were 7 permits for new homes located in the Middle Chester watershed, and 7 located in the Still Pond/Fairlee watershed. Of the total 26 new dwellings, 9 were replacements for demolished houses.

Of the 7 new dwellings located in the PPA, 4 were replacements for demolished houses. Furthermore, 61.5 percent of the homes built in 2018 had a construction value of under \$250,000. These numbers do not reflect sale value but construction value as reported on building permit applications.

Figure 3: New Single-Family Dwellings by PPA

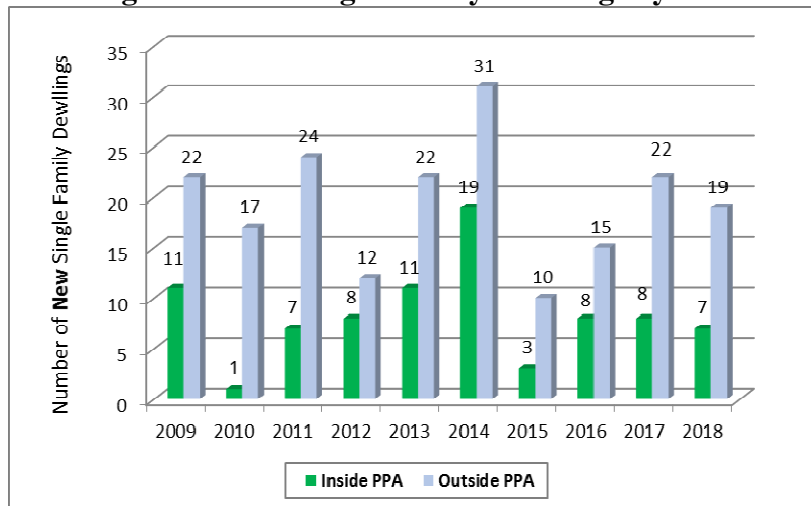


Table 2: Building Permits by Type

Application Type	Number	Percentage
Accessory Building	65	14.6
Agricultural Building	21	4.7
Commercial Addition/Alteration	9	2.0
Deck/porch	21	4.7
Demolition	61	13.7
Garage	9	2.0
Logging	23	5.2
New Commercial Building	3	0.7
New Single-Family Dwelling	26	5.8
Other	25	5.6
Pier	26	5.8
Residential Addition/Alteration	83	18.6
Satellite Dish	8	1.8
Sediment Control	20	4.5
Sign	13	2.9
Swimming Pool/Spa	14	3.1
Use	18	4.0
Bulkhead/Retaining Wall	1	0.2
Total	446	100
Closed, pending, denied, or withdrawn	27	

Figure 4: Building Permits by Type

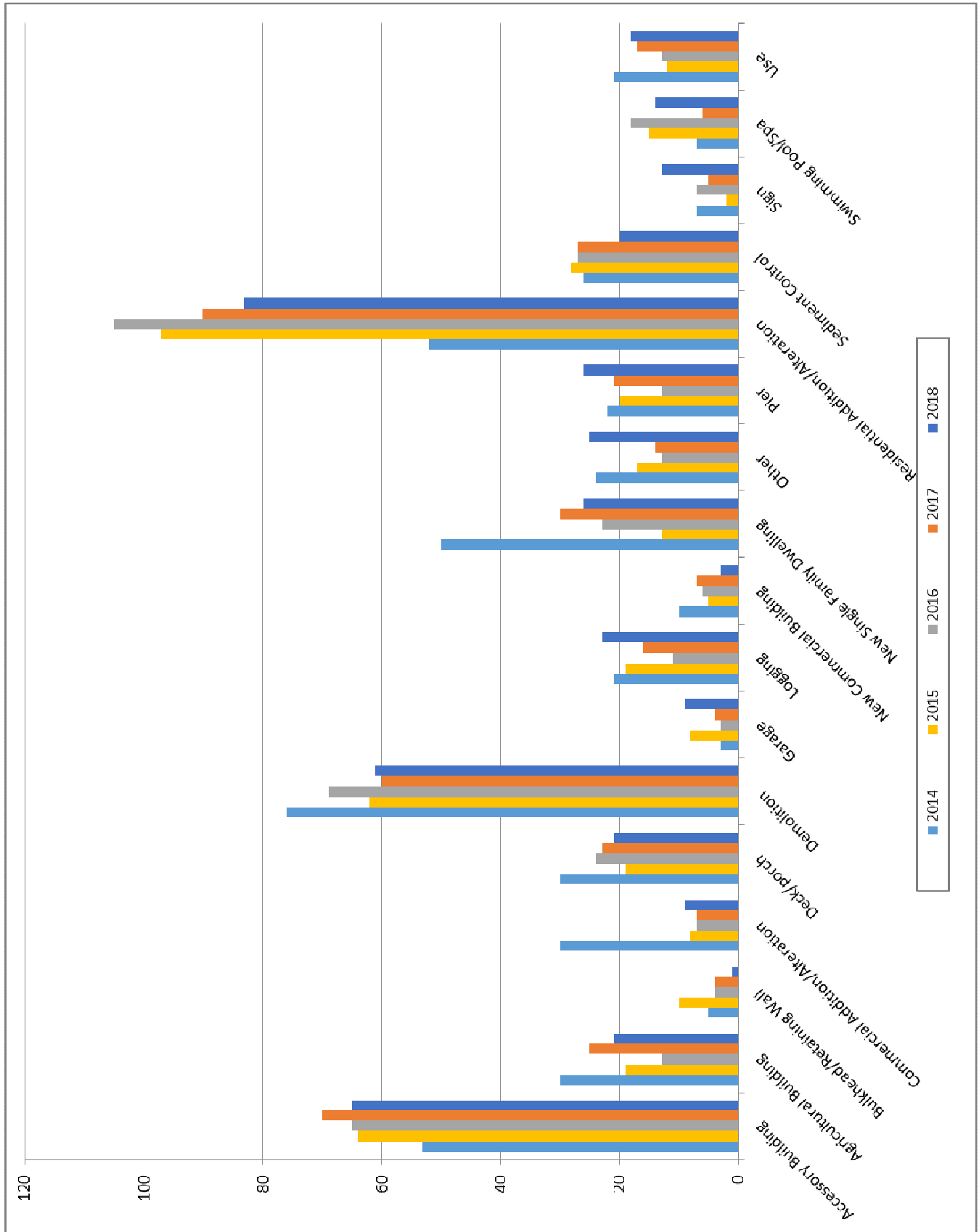


Table 3: New Single-Family Dwellings by Zoning District*

Zoning District	Total	Percentage
Agricultural Zoning District	4	15.4
Resource Conservation District	4	15.4
Rural Residential	2	7.7
Critical Area Residential	2	7.7
Community Residential	8	30.8
Village	6	23.1
Total	26	100

Table 4: New Single-Family Dwellings by Election District*

Election District	Number	Percent
First	6	23.1
Second	8	30.8
Third	3	11.5
Fourth	0	0
Fifth	3	11.5
Sixth	2	7.7
Seventh	4	15.4
Total	26	100

Table 5: New Single-Family Dwellings by Watershed*

Watershed	Number	Percent
Langford	2	7.7
Lower Chester	3	11.5
Middle Chester	7	26.9
Sassafras	7	26.9
Still Pond/Fairlee	4	15.4
Upper Chester	3	11.5
Total	26	100

**Note: See Appendix B for Map showing locations of New Single-Family Dwellings and Subdivisions*

Table 6: Value of New Single-Family Dwellings**

Construction Value	Number	Percent
\$0-\$49,999	1	3.8
\$50,000-\$99,999	4	15.4
\$100,000-\$149,999	6	23.1
\$150,000-\$199,999	2	7.7
\$200,000-\$249,999	3	11.5
\$250,000-\$299,999	0	0
\$300,000-\$349,999	1	3.8
\$350,000-\$399,999	2	7.7
\$400,000-\$449,999	1	3.8
\$450,000-\$499,999	1	3.8
\$500,000+	5	19.2
TOTAL	26	100%

**** As reported on building permit applications.**

SEDIMENT CONTROL/STORMWATER MANAGEMENT

The Planning and Zoning Staff is directly involved in permitting and enforcing the Erosion and Sediment Control and Stormwater Management Ordinances. During 2018, the Staff was involved with 152 sediment control and stormwater management permits for single family dwellings/commercial buildings, sediment control, logging, living shorelines/bulkhead/retaining walls and floodplain. Each permit requires a minimum of 2 site inspections.

VARIANCES

The Planning Commission forwards recommendations to the Zoning Board of Appeals concerning all variance applications except variances of the Floodplain Ordinance. There were three applications for variances submitted in 2018, two of which were two granted.

Table 7: Variances Granted and Denied by Type

Variance Type	Total	Granted	Denied	Withdrawn
Buffer	2	2	-	-
Nonconforming Structure	-	-	1	-
Total	3	2	1	0

Table 8: Variances

Case #	Applicant	Type	Decision
18-21	William Williams	Pier Length Variance	Denied
18-56	Michael Corsey	Buffer	Granted
17-61	Travis Biggs	Buffer	Granted

Administrative Variances

The Planning Director, or Planning Director's designee, may hear and decide Administrative Variances. Applicants may apply for an Administrative Variance from the yard requirements that do not exceed 50 percent of the required yard for the applicable zoning district. Applicants may also apply for an Administrative Variance from the buffer requirements for parcels that existed on or before December 1, 1985 for the repair, replacement and installation of septic systems. These hearings do not go before the Planning Commission but may be submitted, at the Planning Director's discretion, to the Board of Appeals for approval. The Planning Director heard five (5) administrative variance requests in 2018, all of which were granted. One was for a buffer variance to upgrade the existing septic system and four were setback variances.

Table 9: Administrative Variances

Case #	Applicant	Type	Decision
18-28	Eric & Georgiana Noll	Setback	Granted
18-30	Keith Wood	Setback	Granted
18-38	John Michael Wright	Setback	Granted
18-44	Mark & Christine Kamon	Setback	Granted
18-54	George P Birch	Buffer Variance	Granted

SPECIAL EXCEPTIONS

The purpose of the Special Exception is to provide for certain uses, which because of their unique characteristics cannot be distinctly listed as a permitted use in a particular District. These special exceptions may be approved by the Board of Zoning Appeals, or where applicable the Planning Director (see below), after consideration in each case of the impact of such uses upon neighboring uses, the surrounding area and the public need for the particular use at the particular location. The Board may authorize buildings, structures, and uses as special exceptions in specific instances and particular zoning districts. In 2018, there were fifteen applications submitted seeking a special exception. Four were heard by the Board of Appeals and granted.

Table 10: Special Exceptions Granted and Denied by Type

Special Exception	Total	Granted	Denied	Withdrawn
Application for Special Exceptions	3	2	1	-
Appeal of Administrative Special Exception Decision	1	-	1	-
Total	4	2	2	0

Table 11: Special Exceptions

Case #	Applicant	Type	Decision
18-03	Kimberly D. Hall	Appeal of Administrative Decision- Accessory structure	Denied
18-20	Enrique Pallares	Adaptive use of the historic structure	Denied
18-39	John Krastel/ Jeffrey Pettitt	Poultry houses on a parcel where the owner cannot handle the waste generated	Granted
18-49	Board of Education	School bus parking lot	Granted

Administrative Special Exceptions

Along with administrative variances, the Planning Director, or Planning Director's designee, may hear and decide the following special exceptions: accessory storage structures, accessory structures in the front yard requirement of waterfront parcels, accessory structures in the front yard of a through lot, and day care group. The Planning Director or her designee received a total of ten administrative special exception cases in 2018, of which all were granted.

Table 12: Administrative Special Exceptions

Case #	Applicant	Type	Decision
18-5	Stephen Atwater	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted
18-11	James B. Price	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted
18-04	Taylor D. Thomas	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted
18-22	James & Mary Price	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted
18-24	Harold and Patricia George	Accessory Structure exceeding 1,200 sq. ft. area limit on parcel less than 5 acres	Granted
18-27	Nick & Katie Shajwani	Accessory Structure in Front Yard of Waterfront Parcel	Granted
18-31	Paul. & Judith Mied	Accessory Structure in Front Yard of Waterfront Parcel	Granted
18-45	Charles A. Wojciehowski	Accessory Structure in Front Yard of Waterfront Parcel	Granted
18-65	Tony & Barbara Reed	Accessory Structure exceeding 1,200 sq. ft. area and 17 ft. height limits on parcel less than 5 acres	Granted
18-71	Lori Loller	Accessory Structure exceeding 17 ft. height limit on parcel less than 5 acres	Granted
18-75	James and Deborah Peters	Accessory Structure in Front Yard of Waterfront Parcel	Granted

CODES ENFORCEMENT

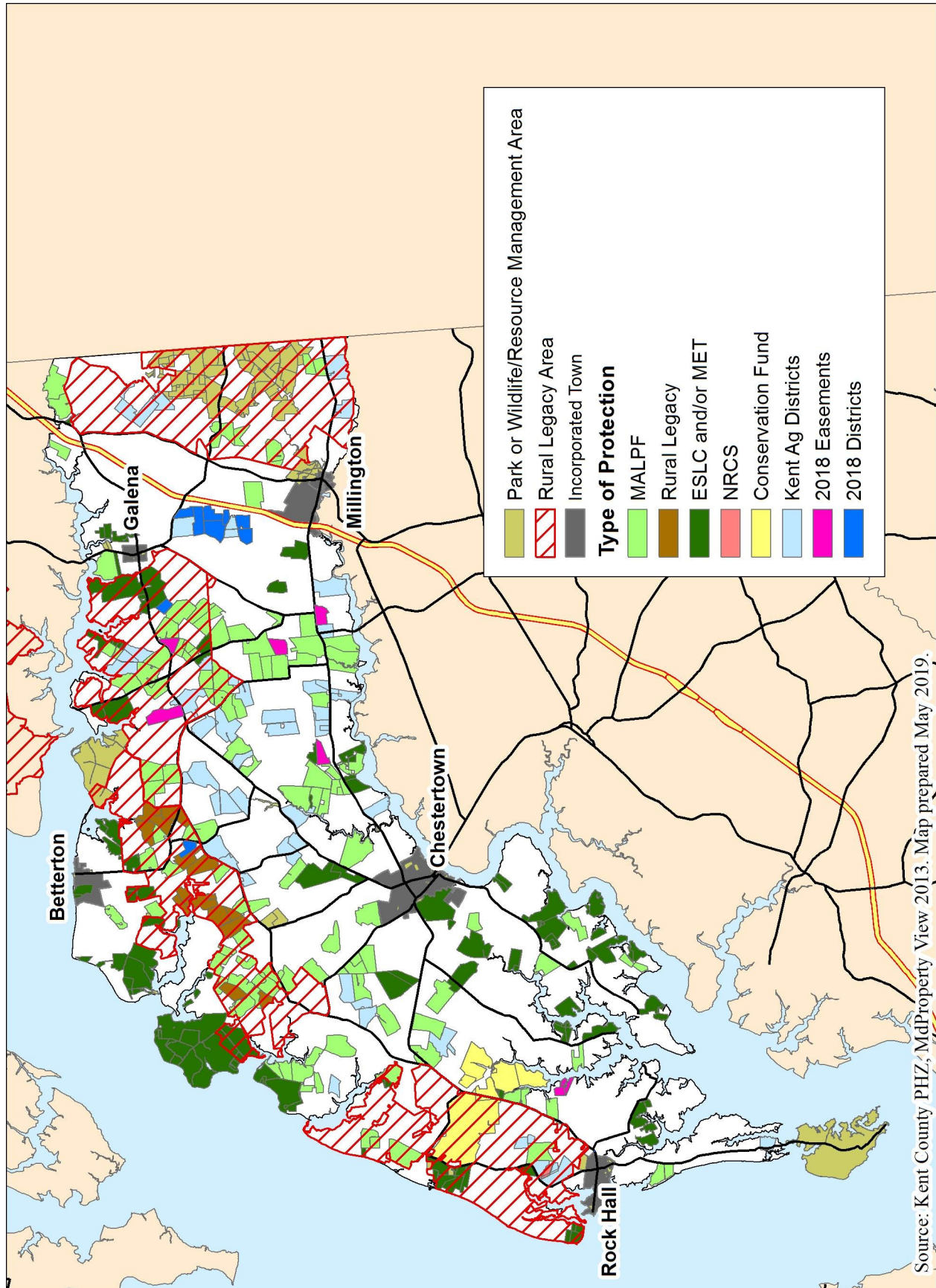
Kent County's Land Use Ordinance is directly enforced by the Department of Planning, Housing, and Zoning Staff. In 2018, staff was involved with 58 violation cases, including 10 Critical Area violations. Each case requires a minimum of two inspections. In addition to inspections resulting in citations, staff routinely responds to potential violation concerns expressed by property owners. In 2018, the Department collected \$13,800.00 in fines. In addition, there were 89 Critical Area Buffer Management/Enhancement Plans and 173 Critical Area Forest Clearing Plans.

Staff spends a significant amount of time meeting onsite with property owners. In an effort to reduce code violations; staff conducted more than 351 site inspections related to tree or vegetation removal and replacement in the Critical Area, potential projects, and staff reports. In addition to specific violation cases, staff conducted approximately 456 inspections related to enforcement of sediment control and stormwater management including logging, as well as 120 site inspections dealing with floodplain permits.

Table 13: Violations by Type

Case Type	Number of Cases	Closed as of 2018	Pending as of 2018
Building without a permit	7	4	3
Building in the Buffer	3	1	2
Clearing of Property in the CA	5	3	2
Clearing of Property in the Buffer	2	0	2
Junk and Debris	4	2	2
Illegal Signs/Use	13	5	8
Unsafe Property	3	1	2
Unregistered Vehicle	9	5	1
Other	13	10	3
Total	58	31	25

Appendix A: Kent County Protected Lands



Appendix B: New Single Family Dwellings and Subdivisions

